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Paper No. 9

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In re Application of :
Douglas C. Stahl :
Application No. 09/895,381 : LETTER
Filed: July 2, 2001 :
Attorney Docket No. 2703.2 :

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OFFICE OF PETITIONS

This is in response to the paper filed December 26, 2001 under 37 CFR 1.27(c) seeking status as a small entity and this is also a response to the request for refund under 37 CFR 1.26 and 1.28(a).

The Verified Statement Claiming Small Entity Status of December 26, 2001 has been made of record and small entity status has been accorded.

The request for refund is **DISMISSED**.

37 CFR 1.28(a) provides that:

Refunds based on later establishment of small entity status. A refund pursuant to 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if assertion under 1.27(c) and a request for refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment, of the full fee.

The Office Finance records show the only fee that was paid within the three months under 1.27(c) was the surcharge. Therefore, the Office will credited \$65.00 to petitioner's Deposit Account No. 06-1205.

The application file is being forwarded to Technology Center AU 1631.

Wan Laymon
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